

Minutes of 5 December 2005
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THE UNIVERSITY OF MICHIGAN
Senate Advisory Committee on University Affairs

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MINUTES OF THE SACUA MEETING OF 5 DECEMBER 2005

Present: Combi, Giordani (Chair), Gull, Lehman, Meerkov, Seabury, Smith, Younker, Zorn; Schneider

Absent: none

Guests: E. Gramlich, K. Gibbons, R. Krasny, K. Bergquist

MATERIALS DISTRIBUTED:

1. Draft Agenda
2. Draft Minutes of the SACUA meeting of 14 November 2005
3. Draft Minutes of the SACUA meeting of 28 November 2005
4. Approved Minutes of the SACUA meeting of 19 September 2005, with proposed accessory material
5. Approved Minutes of the SACUA meeting of 3 October 2005, with proposed accessory material
6. Draft Agenda for Senate Assembly meeting of 12 December 2005
7. Draft SACUA Nominating Committee ballot
8. [Report of the committee to consider a more flexible tenure probationary period](#), dated 30 June 2005
9. [Letter from J. Kurland to B. Giordani](#), dated 15 September 2005, regarding initial response by AAUP to U-M tenure proposals
10. [Letter from D. A. Hollinger to B. Giordani](#), dated 17 November 2005, regarding AAUP Committee A response to U-M tenure proposals
11. Flexible tenure clock recommendation e-mail response, dated 29 November 2005
12. [Comments on the Report on Flexible Tenure](#). Academic Affairs Advisory Committee, 30 November 2005
13. Comment on the Report of the Committee to consider a more flexible tenure probationary period, by R. Krasny, dated 30 November 2005
14. [Memorandum from Tenure Committee to B. Giordani](#), dated 1 December 2005, regarding flexible tenure probationary period report; Request for comment
15. Preliminary Report on Tenure-Track Study, by J. R. Lee and C. B. Smith, undated

16. Draft Action Item for Senate Assembly, undated
17. Memorandum from K. Gibbons to B. Giordani, dated 30 November 2005, regarding feedback from Provost Gramlich's meeting with SACUA in November, plus attachments
18. Report of the Unit Shared Governance Task Force, draft dated 4 December 2005
19. Explanatory materials about Deep Blue archival initiative (<http://deepblue.lib.umich.edu/about/index.html>)
20. Memorandum from B. Giordani to SACUA, dated 1 December 2005, regarding review of the faculty governance office structure and procedures
21. Electronic mail message from J. Zorn to J. Lehman, dated 30 November 2005, regarding draft minutes from 28 Nov SACUA
22. Academic Program Group agenda for 28 November 2005
23. SACUA/Senate Assembly Planning Schedule, updated 5 December 2005

Chair Giordani convened the meeting at 2:04 P.M.; the draft agenda was approved.

FLEXIBLE TENURE CLOCK REPORTS

AAAC Report-

ACTION OF SACUA 120505-1

Professor Smith moved that SACUA accepts the report of the AAAC, distributed item 12 (Lehman seconded).

The action was approved by unanimous vote.

Tenure Committee Report-

ACTION OF SACUA 120505-2

Professor Smith moved that SACUA accepts the report of the Tenure Committee, distributed item 14 (Yunker and Seabury seconded).

The action was approved by unanimous vote.

Data Analysis Report-

Professor Smith called attention to distribute item 15, which he said was prepared principally through the efforts of Mr. J. Lee, a graduate student in the School of Public Policy who is also working in the Faculty Senate Office. Smith pointed out that the report is a longitudinal time series tracking the outcomes for 2405 individuals who entered the tenure track at the U-M from 1990 to 2004. Item 15 deals with individuals appointed within a single unit; Smith said that analyses for an additional 204 people who were appointed in more than one unit are still ongoing.

Professor Smith pointed out that the data demonstrate that of the 2405 faculty, only 9 did not achieve a definitive decision by the end of Year 8. Referencing specific data tables, Smith noted that the U-M has hired faculty at a gender ratio (M:F) of 2:1, but there is no evidence of gender bias with respect to tenure decisions. In particular, he pointed out that there is no evidence of gender bias with respect to tenure decisions in the Medical School. Professor Yunker suggested that it would be helpful to know gender proportions in the applicant pool, and that there may be a reason that women do not choose to enter the tenure track at the same rate as men.

Professor Smith said that the data support the conclusion that the existing tenure system is working. SACUA members stated that the Lee-Smith report should be prepared for distribution to Senate Assembly and the rest of the faculty as soon as possible.

AEC Results-

Professor Meerkov reported that the responses of faculty to a question about tenure policy will soon be posted publicly on the AEC website.

VISIT OF INTERIM PROVOST GRAMLICH

The provost and K. Gibbons arrived at 2:40 P.M. Professor Smith reviewed the Lee-Smith report (distributed item 15) and provided a copy of the report to the provost.

Chair Giordani asked the provost to explain how the Senate Office budget is handled within the Office of the Provost. The provost responded that the Senate budget is dealt with in a manner symmetrical with those of the colleges. Professor Meerkov suggested that because faculty governance is not part of the provost's staff, there should perhaps be an alternative funding scheme to avoid the appearance that faculty governance works for the provost. The provost replied that he did not see viable alternatives, and he noted that the president's office also gets their money from the provost's office, and that there is no hint of subordination in that case.

Chair Giordani inquired about the status of inquiries into the role of faculty in Business School decisions. Ms. Gibbons called attention to distributed item 17, which she said included the requested documentation and said there was also a memorandum from the Business School dean citing extensive involvement of faculty. Provost Gramlich added that SACUA was welcome to contact the Business School dean directly for additional information.

Professor Meerkov remarked that the Unit Governance Task Force has completed a draft report (distributed item 18). He said that the report addresses voting procedures and the scope of executive committee involvement in unit decisions. SACUA members and the provost briefly reviewed the language of Regents' Bylaw 5.06. Professor Meerkov suggested that some deans may not be abiding by the letter of the Bylaw. The provost said that he could send a reminder to the deans that would likely involve circulating a copy of the relevant Bylaws.

Professor Meerkov referenced the "Blue Book" about principles of faculty involvement in unit and institutional governance that had been signed jointly by former SACUA chair D'Alecy and former U-M provost Machen. He asked if the provost would be interested to enhance the document with additional materials drawn from the work of the unit governance task force. The provost replied that if former provost Machen had signed the original version, he would certainly look at it.

Professor Meerkov pointed out that Ms. Gibbons researched the so-called "Rule of Two" on behalf of the task force. This rule refers to the practice whereby the two highest vote-getters for each executive committee seat are submitted to the provost, and one is selected for service. He said that a memorandum from general counsel Sharporn termed the practice a "common law

rule". He noted that there is nothing in the Bylaws that mandates it. Professor Meerkov reported that the task force members voted by majority to retain the practice, but with the condition that documentation be retained and that it be available to faculty governance on request. Ms. Gibbons replied that henceforth the documentation would be retained. She said that the provost selects the top vote-getter in more than 90% of all cases. She added that when the top candidate is bypassed, most often it is because that person was not eligible or could not serve. Professor Younker said that it sounds like some nominating committees need to do better jobs. The provost added that he thought the dean ought to let the faculty know if someone cannot serve.

Professor Seabury asked why faculty are not directly electing their own executive committees. Professor Meerkov responded that he, personally, favors and voted in the minority for direct elections. He explained that the expressed reason that five task force members voted to allow the administration to exercise selection is that those members wanted to give the administration the opportunity to act in protection of diversity.

Professor Meerkov expressed his view that U-M faculty are sufficiently enlightened so that protection of racial or gender diversity is not a concern, and that rules can be implemented to ensure disciplinary diversity. He reminded the group that last year a candidate with 30% more votes than the second place candidate was bypassed in retaliation for having criticized a dean. He said that he hoped reforms could rectify these forms of abuse.

Professor Meerkov thanked the provost for providing a staff member from his office to work as a member of the task force. Provost Gramlich replied that it was helpful for his office, as well.

Chair Giordani invited the provost to respond to a question about how he functions given the interim nature of his position. Provost Gramlich replied that however long he holds the position, he will operate with full powers and not think of his interim nature. He noted that he had hoped to resolve the tenure policy initiative on his watch, but that the current arrangement will prolong the timing. Professor Lehman replied that faculty governance works through deliberation and debate, and with the advice of multiple committees. He said that many reports are now coming together, and that data and opinion thus assembled are worth the effort and time. Professor Meerkov provided the provost with an advance copy of AEC evaluation results for all deans, and also with the responses to general administration policy questions.

The guests left the meeting at 3:17 P.M.

PLANNING FOR SENATE ASSEMBLY MEETING

SACUA members reviewed the draft agenda for the next Senate Assembly meeting (distributed item 6). They decided on the following format for the tenure policy discussion:

- a) Prepared remarks by R. O-Neil: 20 minutes maximum
- b) Question-Answer period with R. O'Neil: 10 minutes, or 30 minutes total combined with a)
- c) Lee-Smith data report: 10 minutes
- d) Comments by J. Weiss: 10 minutes (tentative- pending response to invitation)

Professor Zorn reported that a subset of AAAC met with the LSA executive committee to discuss the proposed revisions of tenure policy. In that meeting the AAAC members, expressing deep concerns about the revisions, asked whether the problems could not be solved under the current Regent's bylaws.

The point was made by AAAC that the current tenure policy certainly has resulted in the termination of some assistant professors who have gone on to successful academic careers. But the important question is whether we have been terminating young faculty who, had they been retained, would have significantly added to Michigan's luster. Can we think of recent examples in which the current policy, it itself, been the cause of losing super-star academic talent? There was no example forthcoming in response to this spur-of-the-moment question.

AAAC members asked the Dean and executive committee about extensions of the probationary period and about part-time tenure under the revised tenure policy. Dean McDonald said that LSA's positions on these matters are yet to be decided.

The meeting entered a recess at 3:30 P.M. and resumed at 3:35 P.M.

ACTION OF SACUA 120505-3

Professor Lehman moves that SACUA endorses distributed item 16 as a motion for action by Senate Assembly (Smith seconded).

SACUA members expressed both support and reservations for various elements of the draft resolution. Members acted as Committee of the Whole to amend the language of the proposed resolution. The proposals were accepted as friendly amendments.

A final draft version of the resolution was adopted by unanimous vote.

The resolution, for transmittal to Senate Assembly with the distributed materials for the 12 December meeting was as follows:

WHEREAS the Provost and Executive Vice President for Academic Affairs appointed a committee to review existing tenure policies at the University of Michigan, and
WHEREAS that committee has proposed a change to Section 5.09 of the Bylaws of the Board of Regents that would increase the maximum probationary period for tenure, and
WHEREAS the Senate Assembly together with its various committees including SACUA, AAAC, and Tenure has studied the proposals and has sought additional opinions from peers and the national AAUP;

THEREFORE, it is resolved that

1. The Senate Assembly has significant reservations about any changes to the existing Regental By-laws governing tenure.
2. The Senate Assembly asks faculty in all units to enunciate tenure policies that are fair, consistent, and that address the issues raised by the provost's committee in its report, within the framework of existing Regents' By-laws.
3. The Senate Assembly recommends that the following policies be features of the tenure policies of all units:

- (i) The expected probationary period should be limited to no more than six years in all units. Units should ensure that their methods and criteria for evaluating the excellence of candidates for tenure are consistent with a six-year probationary clock under any evolving conditions within the appropriate discipline.
 - (ii) With the concurrence of the candidate, a unit should grant an extension of up to two years to the expected probationary period for the following reasons:
 - (a) Time taken for dependent care associated with the birth or adoption of a child by the faculty member or/and partner
 - (b) Time taken for care of a partner, dependent, or parent associated with extraordinary circumstances or medical needs
 - (c) Research time lost because of a serious chronic illness
 - (d) Research time lost because of professional circumstances beyond the candidate's control
 - (iii) If the issues described in Section (ii) are of such extraordinary magnitude that an exceptional further delay in the tenure clock is merited, then with the concurrence of the candidate and the unit, and under clearly defined terms and conditions, the Provost should be asked to make a temporary appointment that will stop the tenure clock for a clearly defined period of one or more years.
 - (iv) The requirements for tenure delayed for any of the reasons stated in Sections (ii) or (iii) should be the same as the requirements for tenure after the typical expected period.
 - (v) Policies for achieving tenure before the expected period should be clearly articulated.
 - (vi) A terminal appointment of one year at equivalent rank off the "tenure-track" should be provided for any candidate who does not obtain tenure.
4. The Senate Assembly recommends that a properly representative faculty committee be appointed jointly by SACUA and the Provost's Office to make uniform recommendations about policies for joint appointments, so that faculty in joint appointments are not disadvantaged by their position. This committee should be charged to look at all issues associated with joint appointments, including, but not limited to, tenure, and to make policy recommendations to the provost and the units.
5. The Senate Assembly recommends that a properly representative faculty committee be appointed jointly by SACUA and the Provost's Office to consider the merits and implications of "part-time" tenure.

FACULTY HEARING COMMITTEE REPORT

Chair Giordani called attention to a report from the Faculty Hearing Committee and to a set of amendments proposed by Professor Lehman.

ACTION OF SACUA 120505-4

Professor Lehman moved that SACUA adopts and endorses the report of the Faculty Hearing Committee as amended and transmits it to the provost.

SACUA members discussed the proposed amendment. Professor Zorn, a member of the FHC, objected to the amendment because it removes his belief that the FHC's hour-long interviews of

Adamson, Geister and Eisley did not, on the whole, reveal any new aspects favorable to the grievant. Other members of SACUA, including the other two members of the FHC, argued for the amended form, stating forcefully that the FHC had been charged with examining the procedure only, and that it would be inappropriate for the FHC report to include judgments based on the content of the interviews.

Vote on the Active Motion- Number approving- 6 Number disapproving - 2

The report adopted by SACUA was the following:

The Grievance

In 1995 Professor William Kauffman, as sole author, drafted a proposal for the creation of a design center within the Department of Aerospace Engineering. The proposal underwent revisions that listed additional authors, [Geister, Adamson, and Eisley] but it was a matter of general agreement that the central idea originated with Kauffman. As this proposal went forward in revisions and in submission to a donor, Professor Kauffman found himself involuntarily relegated to a secondary position. As the originator of this educational development but stripped of any significant control of its direction or the associated funds, Kauffman felt that his rights had been violated, that he had been the victim of plagiarism. He pursued what seemed to be the available remedies, but to little avail. In late 1999 he made a request to Provost Nancy Cantor that the matter be investigated at the highest University level, and Cantor asked this be done by Judith Nowack, the Assistant Vice President for Research, to carry out and report this investigation.

Nowack's report (February 2000) did not support Kauffman's sense of grievance. The Michigan Chapter of the AAUP had also been asked for help. It appointed a committee to look into the matter; their report concluded in quite strong language that the Nowack investigation had failed to fairly and impartially evaluate the available evidence and had arrived at conclusions unreasonably favorable toward the administration.

SACUA Faculty Hearing Committee

Kauffman came to SACUA for help in 2005, and in response SACUA formed a Faculty Hearing Committee (FHC) comprised of three SACUA members: Semyon M. Meerkov (College of Engineering), Charles B. Smith (Medical School), and Jens C. Zorn (College of Literature, Science and the Arts).

The FHC was given the very specific charge to determine whether the Nowack report had indeed overlooked critical evidence. In particular, of the co-authors only Adamson had been interviewed by Nowack, and SACUA had been told that further interviews would provide strong support for Professor Kauffman's claims.

In September of 2005 the FHC interviewed the three co-authors of Professor Kauffman's proposal — Research Scientist Donald E. Geister and Professors Thomas E. Adamson, Jr. and Joseph G. Eisley. These FHC interviews led to:

—A confirmation that only Adamson had been interviewed by Nowack, although some additional information may have come from an interview of Geister by Jeffery Frumkin, Nowack's administrative colleague.

—A conclusion that a full and fair investigation of facts and issues of Professor Kaufmann's grievance should certainly have included interviews with Geister and Eisley to complement the interview with Adamson. We are firm in this belief of deficiency in the administration's investigation.

—A conclusion that investigations of issues between individual faculty and administration cannot fairly or credibly be investigated by persons designated by the administration alone. The FHC recommends that in the future such investigations of academic integrity issues be conducted by a committee whose members are appointed in consultation with SACUA. Those members should be chosen with particular attention to their experience in matters of academic integrity and to their disinterest in the matter at hand.

UNIT GOVERNANCE TASK FORCE

Professor Meerkov proposed that the task force should prepare its recommendations for presentation to the Senate Assembly and, further, should prepare a draft amendment for the faculty governance "blue book". Members expressed consensus agreement for this course of action.

CONSIDERATION OF MINUTES

The consideration of minutes was postponed.

ANNOUNCEMENTS/UPDATES

SACUA will host a luncheon with guest speaker R. O'Neil and the AAUP executive committee on 12 December at noon in the Bates Room of the Michigan Union.

All further agenda items were postponed.

The meeting adjourned at 5:45 P.M.

Respectfully submitted,

John Lehman
Senate Secretary

University of Michigan Bylaws of the Board of Regents, Sec. 5.02:

Governing Bodies in Schools and Colleges

In each school, college, or degree granting division of the University, including those at the University of Michigan-Dearborn and at the University of Michigan-Flint, the governing faculty shall be in charge of the affairs of the school, college, or division, except as delegated to the

executive committee, if any, and except that in the School of Graduate Studies the governing board shall be the executive board, and in the Medical School shall be the executive faculty.

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